



# Ethan Price-Livingston

## Associate

## New York

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Ethan Price-Livingston is an associate in the Litigation Department.

Ethan received his J.D., order of the coif, from the Benjamin N. Cardozo School of Law and Bachelor of Arts in anthropology from New York University, College of Arts and Sciences. While at Cardozo Law, Ethan was a member of the *Cardozo Law Review* and a Distinguished Dean's Scholar. Ethan also served as an intern for the Honorable Nicholas Garaufis of the U.S. District Court, Eastern District of New York and the Honorable Robert Stolz of the New York Supreme Court.

### Practice Areas

- Insurance Coverage

### Education

- Benjamin N. Cardozo School of Law, Yeshiva University, J.D., 2017
- New York University, B.A., 2011

### Bar Admissions

- New York

### Awards & Honors

- Best Lawyers in America (Insurance Law) 2025

## Experience

Won summary judgment for the insurer as plaintiff in a declaratory judgment action, with the court holding that the policies at issue -- with more than \$40 million in limits -- did not provide coverage for an underlying class action brought against the insured, a manufacturer and distributor of ozone-based cleaning devices used for CPAP machines. The underlying consumer plaintiffs alleged that the insured concealed information on the risk of ozone exposure and that they otherwise would not have purchased their machines, but strategically omitted claims for damages relating to bodily injury and property damage. In granting summary judgment, the court agreed with our argument that in the absence of such claims for relief, the insuring agreement was not satisfied regardless of ancillary factual allegations of bodily injury.

Secured dismissal of a declaratory judgment action arising from an underlying employment/sexual discrimination lawsuit involving an attorney. The underlying plaintiff alleged that the insured's firm discriminated against her on the basis of sex by paying her less than male attorneys, failing to promote her to partner, and terminating her employment while retaining male attorneys with far lower performance. The underlying plaintiff further alleged that the insureds took a number of retaliatory actions against her after she filed the discrimination suit. In granting the insurer's motion to dismiss, the court agreed that the business pursuits exclusion (among other exclusions) barred coverage entirely under both a homeowners and an excess liability policy, given the retaliatory nature of the allegations. This result was affirmed by the U.S. Court of Appeals for the Second Circuit.

Secured a unanimous *en banc* decision in favor of an insurer from the Delaware Supreme Court in a matter of first impression nationwide. The case centered on whether an appraisal action by the insured constituted a Securities Claim covered under a Directors & Officers Liability policy. The lower court found that it did, and numerous other policyholders filed coverage actions on this novel issue. After obtaining leave to take an interlocutory appeal, our team secured the reversal in our client's favor, ending the litigation.

Obtained a \$29 million international arbitration award on behalf of a Dutch dredging and marine construction company. The dispute arose when a foreign alumina manufacturer began to curtail the quantities of bauxite it accepted from the client, in breach of a mining contract between the parties. When attempts to negotiate a resolution were unsuccessful, we filed a demand with the International Chamber of Commerce and overcame multiple defenses raised by our opponent to secure the sizable

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| award.

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